## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:10ev294

JAMES EARHART,	)
Plaintiff,	)
Vs.	ORDER
COUNTRYWIDE BANK, FSB,	)
Defendant.	)
	)

THIS MATTER is before the court on periodic docket review. Review of the pleadings reveals that in response to this court's Order requiring plaintiff to show cause why he has failed to move this case forward, counsel for plaintiff filed a Motion to Withdraw indicating that plaintiff had failed to cooperate in the prosecution of this case or in the payment of fees to counsel. Counsel seeking to withdraw certified service of such motion on the plaintiff. Despite the passage of three months, plaintiff has interposed no objection. It appearing that counsel for plaintiff has complied with all obligation under the North Carolina Rules of Professional Conduct as well as the Local Civil Rules of this court, he will be allowed to withdraw. Plaintiff, who is now proceeding *pro se*, is advised as follows:

The Federal Rules of Civil Procedure place the burden of moving a case forward on the proponent of the litigation, which is the plaintiff. Plaintiff is advised that he has 14 days within which to seek default under Rule 55, Federal Rules of Civil Procedure, take a voluntary dismissal under Rule 41, or request other relief. Failure to take action within that time frame may result in dismissal of this action for failure to prosecute under Rule 41(b). Plaintiff is advised to seek the assistance of counsel.

## **ORDER**

IT IS, THEREFORE, ORDERED that plaintiff take action within 14 days as herein instructed. The Clerk of this court is instructed to close this action if plaintiff fails to take any such action within the time provided.

Signed: July 14, 2011

Max O. Cogburn Jr.
United States District Judge